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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication, which is distributed in accordance with Economic and Social Council resolution 1296 (XLIV).

[27 July 1994]

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The human rights situation in Togo

1. The International Federation of Human Rights (FIDH) and its affiliate, the Togolese League for Human Rights (LTDH), have for the last four years been following the disquieting deterioration of the situation in Togo in relation to individual rights and freedoms. This deterioration is due to a considerable degree to the determination of General Eyadema (who, contrary to the wishes expressed in the new Togolese Constitution, is Head of State and Commander-in-Chief of the armed forces) and his party, the Union of the Togolese People (RPT), to hold up the process of democratization.

2. Large-scale killings, murders or attempted murders of individuals, arbitrary arrests and detentions, torture and other brutalities and the blowing-up of homes have succeeded one another with dramatic frequency. The climaxes in this long tale have been the killings at the Bé lagoon on 12 April 1991, the killings on 27 and 28 November and 3 December 1991, the attack on a convoy of an opposition party, the Union of Forces for Change (UFC), on 5 May 1992, the murder of Tavio Amorin, the Chairman of the Political Committee of the High Council of the Republic (the transitional Parliament) in July 1992, the forcible abduction of the members of that body in October 1992 and the massacres of 25 and 30 January 1993, which led to the departure of many Togolese into exile.

Present situation regarding rights and freedoms in Togo

3. The FIDH and the LTDH observe that Togo is currently in a situation where the rule of law does not apply. This development seems to have coincided with the forceful return of the General-President to the conduct of the country's affairs. For some time now arbitrary arrests and detention, apparently random searches and summary or extrajudicial executions have become part of everyday life in Togo. Freedoms such as freedom of opinion and expression, which were restored during the transitional period, are gradually disappearing, while the population of the capital, terrorized by the increasing frequency of murders, no longer dares to exercise its right to move about freely at night.

4. On 26 August 1993, 40 persons arrested in Agbandi and Diguina (two localities in the centre of the country) were beaten and then packed into a tiny cell, designed to hold five persons, in the gendarmerie post in Blitta. Some 20 of them died of asphyxiation. They were accused of having ransacked ballot boxes which had been illegally stuffed before the start of the voting in the presidential election. On 13 February 1994 Mr. Gaston Edeh, a newly-elected member of the legislature belonging to the Action Committee for Renewal (CAR - the principal opposition party) and two other persons (Prosper Hillah and Martin Agbenou) were kidnapped from their vehicle by members of the armed forces (a fourth passenger managed to escape). On 15 February the charred bodies of the kidnapped persons were found in their car. On 6 and 8 January 1994, 36 persons under suspicion and arrested following an attack on the Tokoin military camp were summarily executed, together with 12 soldiers arrested in March 1993.

5. Other murders and physical attacks by armed men in military uniform have also taken place.

- Mrs. Abotsi, the wife of Kwami Abotsi, a former prefect, was wounded when her cousin was killed (April 1994).

- Mr. Idrissou Tchao was abducted and murdered on 25 January 1994.

- Mr. Raphael Bedou, a senior official in the Finance Directorate, was shot down on 25 May 1994.

- On 22 May 1994 Mr. Paulin Satchivi, a bank employee, and his wife Brigitte sustained serious bullet wounds in their home.

- On 3 June 1994 Mr. Messan Christophe Agbapem, a senior bank official, was shot down.

- On 11 June 1994 Mr. Agbodjian, a master brewer, and his companion Julienne Hetsa were shot down.

- On 14 June 1994 Mr. Vincent Ketemepi, a senior bank official, sustained serious bullet wounds.

- On 17 June 1994 Mr. Bellow, a commercial agent, and his wife were shot down in their home.

- On the same day Mr. Komla Joseph Atsou, an insurance agent and director of the SOGERCO agency, who had been reported missing on 14 June while returning to his home, was found dead; the body had been buried in the reserved compound of the General Staff of the Togolese Armed Forces in Lomé.

- On 18 July 1994, at approximately 2 a.m., in Aflao Soviépé, a suburb of Lomé, Mr. Anka Allado, a CAR militant and a cousin of Attorney Yaovi Agboyibor, the President of the same party, was machine-gunned and stabbed. He died of his wounds in hospital on the same day.

6. This list is far from complete. Mention must furthermore be made of a number of disappearances and abductions of close relatives and friends of presumed members of the opposition. It appears that the victims of a number of these murders and abductions have been senior officials - particularly in the banks and in government service - who supported the general strike which lasted from November 1992 until June 1993. At that time the supporters of General Eyadema clearly expressed their determination to exact revenge.

7. Freedom of the Press is seriously violated; journalists, editors and publication directors are either sentenced or driven into exile. Thus, while Mr. Touré Katakpaou of "La Lettre de Tchaoudjo" and Mr. Martin Gbenouga, of the "Tribune des Démocrates", were sentenced, respectively on 17 November 1993 and 26 April 1994, to heavy fines and imprisonment, Mr. Gabriel Agah, of "Forum Hebdo", Mr. Ekpé Homawoo and Mr. Daniel Koudahin Lawson, both of "Le Courrier du Golfe", Mr. Victor Toulassi, of the "Tribune des Démocrates", Mr. David Ekoudé Ihou and Mr. Jean Ihougan of "Ibanou Express" and Mr. Bertin Kagni Foli of "La Parole" have been driven into exile (Mr. Foli died in Cotonou on 15 May 1994). In addition, there have been bomb attacks against certain printing establishments and editorial offices, while systematic hunts for sellers and distributors of newspapers are organized when the latter are not illegally seized.

Impunity and the independence of the judiciary

8. The deterioration of the situation in Togo reflected in these flagrant violations of human rights is due in particular to the breakdown in the machinery of justice and the complete impunity enjoyed by the perpetrators. They are often members of the armed forces, the security services or the RPT militia, and may inflict torture, fire on demonstrators without warning, commit rape and extrajudicial executions and blow up homes, offices and vehicles in the absolute certainty that they will not be prosecuted, while at the same time, after each incident, the Head of State goes to great lengths to "publicly condemn" these acts of violence and to "revile" their perpetrators. The latter act either on orders or in the certainty that they will incur no prosecution. Even when they are identified, the police and the machinery of justice remain passive. At the 1991 National Conference a number of violations of human rights were denounced; their perpetrators were actually named, but so far no action has been taken against them. Following the murder of Mr. Tavio Armorin, the two murderers - two policemen, Kossi Karewe and one Boukpessi - were identified and officially named in a Ministry of the Interior communiqué; but no legal proceedings have ever been instituted. Similarly, following the attack on a UFC procession in Soudou on 5 May 1992 (during which several people, including Mr. Marc Attidepe, a member of the legislature and a party leader, were killed and others, including Mr. Gilchrist Olympio, the President of the UFC, were injured), an international commission clearly identified the perpetrators (including Captain Ernest Gnassingbé, the son of General Eyadema); but no legal proceedings have been instituted. The same applies to the members of the armed forces who abducted and beat the members of the Togolese legislature in 1992 (including, again, Captain Ernest Gnassingbé) or their superiors (including Minister Gabriel Agbeyomé Kodjo).

9. In practice, whenever the victim of an incident is a member, or a presumed member, of the opposition, or when the act is committed by soldiers or RPT militiamen, the machinery of justice and policing is totally paralysed. In contrast, when a complaint comes from the Head of State or persons of his persuasion, both are restored to their full effectiveness. This explains the sentencing of the journalists mentioned earlier. Thus the machinery of justice in Togo is of a "two-speed" nature. Through a judiciary deprived of all independence, it provides "justice" and immunity for one category of citizens, while withholding justice from the remainder of the population. If judges do not submit, they are removed. Mr. Apaloo, the President of the Supreme Court, has been driven into exile. In contrast, Judge Akati Azangou has taken servility to the length of summoning suspects, not to his office, but to gendarmerie premises, actually on the orders of the head of the gendarmerie. Similar occurrences are to be observed at several levels in the machinery of justice, since Mrs. Fladjoe, who was responsible for the organization and supervision of prisons, has also had to flee into exile.

10. The FIDH and the LTDH are extremely concerned to observe that this situation is compelling part of the population of Togo to seek refuge in Ghana and Benin, while other Togolese are gradually beginning to develop individual self-defence strategies, ranging from the erection of barricades to individual purchases of firearms.

11. In view of this situation, which constitutes a serious factor making for destabilization throughout the region, the FIDH and the LTDH call upon the government of Togo to take all necessary steps to put an end to the violations

of human rights, to determine responsibilities for all violations which have taken place up to the present time and to permit the return of the refugees. They request the Sub-Commission to devote special attention to the flagrant and systematic violations of human rights taking place in Togo and to draw the attention of the Commission on Human Rights to the matter with a view to the appointment by it of a Special Rapporteur.